(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

CRIMINAL MISC. APPLICATION NO. 215 OF 2004.

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Ms. Rasika Harji, Advocate for the Applicant.

Mr. Joseph Vaz, Special Public Prosecutor for the Respondent.

CORAM: N.A. BRITTO, J.

DATE : 7th October, 2004.

P.C.

Heard learned Advocate Ms. R. Harji on behalf of the Applicant/Accused in Special Criminal Case No.4/2001 who has been acquitted by this Court in Criminal Appeal No. 58/2003 by Judgment of this Court dated 1.10.2004.

2. By virtue of the said Judgment, Criminal Appeal No.58/2003 arising from the said Special Criminal Case No.4/2001 was allowed and the Judgment/Order of the learned Special Judge, N.D.P.S. Court,

Mapusa, dated 30.8.2003 was set aside. It has been submitted on behalf of the Applicant-Accused, that the accused is not being set at liberty by the Jail authorities because there is no mention to the Order sentencing the accused dated 3.9.2003 of the learned Special Judge, N.D.P.S. Court, Mapusa.

3. In my view, the Jail authorities are not entitled to sit for interpreting the Judgment of this Court. The direction of this Court is very clear that the accused should be set at liberty forthwith in case he is not required in any other case. Being so, the Jail authorities are bound to set the said accused to liberty who was earlier involved in Special Criminal Case No.4/2001. Any further delay is bound to call for initiation of contempt proceedings against the Jail authorities. The Jail authorities are therefore hereby directed to set the said accused to liberty forthwith who was detained in Special Criminal Case No.4/2001.

Expedite authenticated copy.

Humdast allowed.

N. A. BRITTO, J.

sl.